

Docket No. F-6817

Ser. No. 09/762,530

REMARKS

The following remarks are responsive to the Office Action of February 8, 2005. Reconsideration of the application and a notice of allowance are earnestly solicited.

The Examiner has rejected claims 11-28 under 35 U.S.C. § 103(a) as being unpatentable over Marchal (UK Patent Application No. GB 2,063,710 A), where the Examiner asserts that Marchal teaches each limitation except for a minimum width of 350 mm which would be an obvious modification to Marchal. Claims 29-30 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Marchal as modified by Su (U.S. Patent No. 5,462,782) where Su is cited for teaching a backing polymer fabricated from polyethylene.

Regarding claims 11 and 27, the claims recite that the first and second coatings are planar. This is inapposite with Marchal which illustrates in Figures 2A and 3A cross sections of a cover layer having openings and/or coatings that fail to cover the entire surface and thus are not planar. Accordingly, Marchal fails to teach each limitation in the claims and thus fails to render the claims unpatentable.

In re Royka, 490 F.2d 981 (CCPA 1974) (a prima facie case of obviousness is established only where the cited reference(s) teaches or suggests each limitation in the claim).

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Regarding claims 13-15, the claims are directed to the textile structure in the backing layer, where Claim 13 recites that the textile structure has threads in a wide-meshed arrangement, Claim 14 recites that the threads run parallel and are also arranged rhomboidally at an obtuse angle and Claim 15 recites that the threads are spaced from 3 to 30mm. The Examiner asserts on page 3 of the Office Action that such recitations are obvious in view of Marchal because Marchal teaches a textile structure at page 2, lines 116-119 and the Examiner asserts, without support, that "the textile structure would include weave of intersecting threads and hence, a meshed arrangement."

Marchal, on page 2, line 116, merely references textiles by teaching that the backing layer "may be a sheet of textile". Accordingly, Marchal is not enabling regarding the particular textile structures recited in claims 13-15 because the mere mentioning of a textile, without more, cannot constitute a description of the claimed textile structures. *In re Hoeksema*, 399 F. 2d 269 (CCPA 1968) (the mere mentioning of a limitation recited in a claim, without more, cannot constitute a description of the claim limitation). Accordingly, the Examiner should either provide references that teach the limitations of Claims 13-15 or remove the rejection of the claims.

Regarding claims 29-31, these claims depend directly or indirectly from base claims 11 or 27 and therefore contain the limitations of the respective base

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claim. *Festo Corp. v. Shoketsu Kinzoku Kogyo Kabushiki Co.*, 234 F.3d 558 (Fed. Cir. 2000) (a claim that depends from a prior claim incorporates all the limitations of that claim). Accordingly, claims 29-31 distinguish over the prior art for the same reasons as claims 11 and 27.

Applicant respectfully requests a one month extension of time for responding to the Office Action. **The fee of \$120.00 for the extension is provided for in the charge authorization presented in the PTO Form 2038, Credit Card Payment form, provided herewith.**

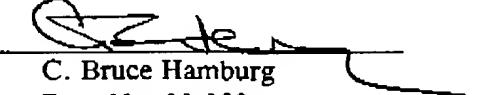
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In light of the foregoing, the application is now believed to be in proper form for allowance of all claims and notice to that effect is earnestly solicited.

Respectfully submitted,
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